

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

KIMBERLY A. GUNDEN,)
Plaintiff,)
v.) CAUSE NO.: 3:09-CV-276-TLS
FOREST RIVER, INC.,)
Defendant.)

ORDER

Plaintiff Kimberly Gunden filed a Complaint [ECF No. 1] against the Defendant claiming the Defendant discriminated and retaliated against her during her employment with the Defendant.

On November 12, 2010, Magistrate Judge Christopher A. Nuechterlein issued an Order granting the Motion to Withdraw filed by the Plaintiff's counsel. On November 15, 2010, Judge Nuechterlein ordered the Plaintiff to indicate whether she wished to proceed pro se or whether she intended to retain new counsel and to file an appropriate statement indicating her intention no later than December 13, 2010. The Plaintiff did not respond to the Court's order, and no other counsel has filed a notice of appearance on the Plaintiff's behalf.

On December 29, 2010, Judge Nuechterlein issued an Order to Show Cause giving the Plaintiff up to and including January 28, 2011, to show cause why this case should not be dismissed for her failure to respond to the Court's November 15, 2010, Order. The Order warned that failure to respond to the Order to Show Cause may be construed as the Plaintiff abandoning her claim and could result in the dismissal of this case.

On February 9, 2011, Judge Nuechterlein issued a Report and Recommendation [ECF No. 26], recommending that this case be dismissed without prejudice because the Plaintiff has failed to respond to two court orders, has failed to prosecute her case, and appears to have abandoned her

case.

This Court's review of Judge Nuechterlein's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C), which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

The statute requires that objections to the magistrate judge's report and recommendations to be made within fourteen days of service of a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate judge's report and recommendation and the district court's resolution of any objections).

The Plaintiff has not objected to the Report and Recommendation, and the time for making objections has now passed. As of the date of this Order, the Plaintiff has not filed anything with the Court since Judge Nuechterlein granted her counsel's Motion to Withdraw. Additionally, she did not respond to the Order to Show Cause that warned her that a failure to respond could result in the dismissal of this case.

Having reviewed the entire record in this case and the Report and Recommendations prepared by Judge Nuechterlein, the Court ADOPTS the Report and Recommendations [ECF No. 26] in its entirety and ACCEPTS the recommended disposition. Accordingly, the Court ORDERS this case DISMISSED WITHOUT PREJUDICE, pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED on April 19, 2011.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION